

COURTESY COPY *[Signature]*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE MONTEL CABELLERO, NATALIO
DEJESUS, RODRIGO DE LOS SANTOS, JAVIER
POLICARPIO, MAURICIO POLICARPIO,
DAVID POLICARPIO LURA, OBDULIO
GARCIA, LUIS ALBERTO, MIGUEL
MARTINEZ, JAIME BOLIVAR QUINCHE, LUIS
PANZA, NESTOR LAZO, PEDRO VELAZQUEZ,
BERNARDO CASTILLO, JORGE VASQUEZ,
AND DIRCIO VASQUEZ,

Plaintiffs,

v.

CHELSEA TOMATO, INC., MANGARONI, LLC,
WESTSIDE TOMATO, INC., 319 WEST 51st ST.
RESTAURANT, INC., MIDWEST TOMATO,
INC., ROBERT MALTA, ENRICO MALTA,
ROBERT DEBENEDICTIS, THOMAS BIFULCO,
TAREK ALAM, ANGELO NASTI, CESAR
SIQUENCIA, and JERRY CHOW,

Defendants.

USDC SDNY
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DATE FILED: 3-1-10

No. 09 Civ. 5875 (JSR)

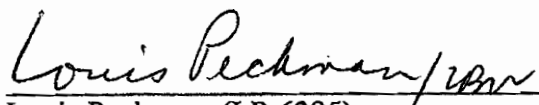
STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by and among the Parties, that
the above-captioned action be dismissed in its entirety, with prejudice, with no award of counsel
fees or costs by the Court to either side.

AGREED TO, AND RESPECTFULLY SUBMITTED BY:

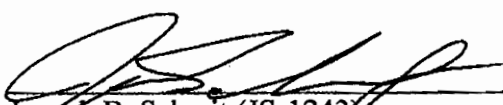
Dated: New York, New York
February 22, 2010

Berke-Weiss & Pechman LLP



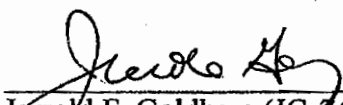
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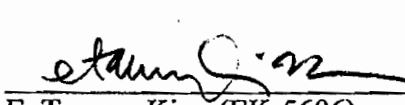
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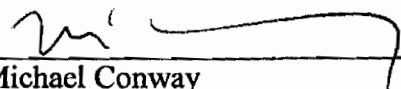
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DeBenedictis

SO ORDERED:

Dated: New York, New York
February 27, 2010



Hon. Jed S. Rakoff